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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.996 OF 2002

Manilal Virji Vora Appellant
versus
Suresh M. Lad and others Respondents

Mr.A.M.Ranpise for appellant.

Mr.Harish Pawar for respondents 1 and 2.

Mr.Sagar Madan i/by Bhave & Co. for respondent no.3

CORAM : A.S.OKA, J.

DATE : 22nd March 2007

PC :

1. Heard advocates appearing for the parties. The appellant is the original plaintiff. The dispute relates to Room No.6 on the First Floor of Building Draupadi bearing No.386-A, V.P.Road, Near Saidham, Mumbai 400 004. The appellant has filed a suit for a declaration that he is in the possession of the suit premises and for an injunction restraining the first and second respondents from forcibly dispossessing him. A Notice of Motion taken out by the appellant has been dismissed by the order impugned in this

appeal. In the Notice of Motion, the main prayer was for injunction restraining the first and second respondents from forcibly dispossessing the appellant from the suit premises without following due process of law. The Notice of Motion was filed on the apprehension that the first and second respondents may forcibly dispossess him.

2. It is an admitted position that after this appeal was preferred, the first and second respondents have adopted due process of law by instituting a suit for possession of the suit premises under section 6 of the Specific Relief Act, 1963. As the first and second respondents have already adopted due process of law, the apprehension of the appellant as regards forcible dispossession does not subsist. Therefore, as of today no case is made out by the appellant for grant of any interim relief. Interests of justice will be served if the suit filed by the appellant and the suit filed by the first and second respondents are disposed of expeditiously.

3. Hence, I pass following order :-

(a) The appeal is disposed of;

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(b) The Trial Court will decide both the suits expeditiously;

(c) All contentions of the parties on merits of the pending suits are expressly kept open.

(A.S.OKA, J.)